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DRAFT INITIAL BUDGET FOR THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA COVERING THE PERIOD AUGUST 1996-DECEMBER 1997

Prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	3
II.	CONSIDERATION OF ADMINISTRATIVE AND BUDGETARY REQUIREMENTS BY THE MEETINGS OF STATES PARTIES	3 - 6	3
III.	WORK PROGRAMME OF THE TRIBUNAL DURING THE INITIAL PERIOD	7 - 15	4
	A. Judiciary	10 - 11	5
	B. Registry	12 - 15	5
IV.	ADMINISTRATIVE EXPENSES OF THE TRIBUNAL: CRITERIA APPLIED	16 - 33	6
	A. Members of the Tribunal and their remuneration	16 - 25	6
	B. Staff of the Registry and their remuneration	26 - 29	7
	C. Other items of recurrent expenditure	30 - 31	8
	D. Non-recurrent expenditures	32	9
	E. Estimates	33	9

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CONTENTS (continued)

		Paragraphs	Page
V.	FUNDING OF THE BUDGET FOR THE INITIAL PERIOD AND ASSESSED CONTRIBUTIONS	34 - 38	9
VI.	WORKING CAPITAL FUND	39 - 43	10
VII.	PREPARATORY WORK AND THE TRANSITIONAL PERIOD	44 - 47	11

Annexes

I.	POST REQUIREMENTS OF THE REGISTRY (TABLE)	17
II.	DESIGNATIONS AND STAFFING LEVELS OF THE REGISTRY DURING THE INITIAL PERIOD (LIST)	18
III.	ADMINISTRATIVE EXPENSES OF THE TRIBUNAL INITIAL PERIOD AUGUST 1996-DECEMBER 1997	19

I. INTRODUCTION

1. The International Tribunal for the Law of the Sea (hereinafter "the Tribunal") was created by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). The Statute of the Tribunal (annex VI to the Convention) sets out its method of functioning and its composition. It is a body of 21 elected Members (judges) and is served by a Registry. The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea was charged with making the necessary arrangements for the commencement of the functions of the Tribunal by, inter alia, preparing a report containing recommendations regarding practical arrangements for the establishment of the Tribunal, to be submitted to the Meeting of States Parties to the Convention. 1/ The Preparatory Commission set up a Special Commission 4, with delegated responsibility, 2/ which deliberated extensively, inter alia, upon the administrative arrangements, structure, initial financing and budget of the Tribunal, based on a number of working papers prepared at its request by the Secretariat. 3/ Those deliberations also dealt with the financial implications of: the number of official working languages; alternative approaches to phasing in the institution; and the means of initial financing.

2. The deliberations referred to above focused on the first functional phase of the Tribunal. However, before a completely new institution can reach the first functional phase, it would have to go through a preliminary organizational stage. 4/ The administrative arrangements and financial implications of such a preliminary organizational phase - the start-up period of the Tribunal's activities - were addressed in an additional working paper. 5/ No review of these proposed budgetary arrangements was carried out.

II. CONSIDERATION OF ADMINISTRATIVE AND BUDGETARY REQUIREMENTS BY THE MEETINGS OF STATES PARTIES

3. The second Meeting of States Parties, held in New York from 15 to 19 May 1995, considered administrative and budgetary requirements of the Tribunal. It agreed on the approach to be followed concerning the establishment of the Tribunal, its initial functions and related matters. 6/

4. The approach and assumptions relevant to preparing the draft budget were laid out in some detail, 7/ emphasizing that the principle of cost-effectiveness would apply to all aspects of the work of the Tribunal. On that basis, the Meeting requested and the Secretariat prepared a draft budget of the Tribunal for the initial period, from 1 August 1996 to 31 December 1997 (SPLOS/WP.1).

5. Consistent with its earlier decisions, that draft budget was reviewed and revised by the Meeting of States Parties, with the participation of financial experts of States, at its third Meeting (New York, 27 November-1 December 1995). The report of that Meeting (SPLOS/5) reflects that review. The budgetary estimates presented herein incorporate the results of the review and also the conclusions and implications arising therefrom. The proposed staffing structures and related costs were closely scrutinized and substantially trimmed.

Reductions were made in the estimates for recurrent and non-recurrent expenditures. The overall estimates were strictly limited.

6. The estimates resulting from the above revision, together with the applicable criteria, are presented herein. The implications arising from those revisions and decisions are also addressed in these estimates. The budget estimates for the initial period are to be adopted at the fourth Meeting of States Parties (4-8 March 1996).

III. WORK PROGRAMME OF THE TRIBUNAL DURING THE INITIAL PERIOD

7. The initial budgetary period covered by the budget estimates would comprise the preliminary organizational phase or the "start-up" period of the Tribunal's activities. 8/ The period would commence on 1 August 1996 with the election of the 21 Members of the Tribunal 9/ by the Meeting of States Parties to be convened for the purpose. 10/, 11/ Initially all the Members would be engaged in the review and the adoption of the rules and internal organization of the Tribunal. 12/ During this initial period, the full complement of 21 judges would be expected to participate in executive sessions for a total of up to 12 weeks of meetings. 13/ It is assumed that these meetings would be periodic and not continuous, 14/ and that there would be three organizational meetings of limited duration (4 weeks each). Provision is also made for preparatory work by Members of the Tribunal, 15/ which it is assumed would be for an equal time period of 12 weeks.

8. It is understood that initially the Tribunal as a whole will first convene on 1 October 1996 to hold its first organizational session of four weeks' duration. 16/ Of this, two weeks could be set aside for preliminary organization, election of the President and the Vice-President, setting-up of chambers and committees, etc., and other practical arrangements. This could be followed by the inauguration of the Tribunal on 18 October 1996, with a formal session at an open swearing-in ceremony for the judges. They would thereafter resume in executive session for the remaining two weeks, after which they would disperse until the next executive session. During the intervening period, the President, supported by an Acting Registrar and the nucleus Registry, would continue the organizational work. They would carry out the follow-up activities to the first executive session and would prepare for the subsequent one. The next executive session, also assumed to be of four weeks' duration, could be held early in 1997. 17/ This would be followed by one further session of four weeks' duration later in the year. 18/

9. In reviewing the administrative arrangements and structure and staffing of the Registry, the third Meeting of States Parties decided that the initial period from 1 August 1996 to 31 December 1997 would constitute a single phase at the end of which, in January 1998, the Tribunal would enter the first functional phase. The Meeting assumed that the required level of staff and services to fulfil the needs of the first functional phase that follows in 1998 and the appropriate arrangements would be determined in due time by the Tribunal and its Registry, for the approval of the Meeting of States Parties. It is assumed that in the first functional phase, an appropriate structure for the Registry would be required. 19/

A. Judiciary

10. During the preliminary organizational phase, which is anticipated to span 15 months from when all 21 judges first convene, they would organize their work, elect officials from among themselves, make the necessary administrative arrangements and appoint an Acting Registrar. The judges would also have to adopt the Rules of the Tribunal, formulate the terms and conditions of service for the officials and staff of the Registry, organize the procedures and arrangements, including those for dealing with cases and internal procedures, for budget, accounts, administration, personnel, etc., elect a Registrar and appoint a deputy.

11. For the purpose of the deliberations of the judges, the whole range of working papers and documents of the Preparatory Commission required by the Tribunal for their use, review and adoption have been incorporated as addenda to its Report to the Meeting of States Parties. 20/ The original working papers and the revisions by the Secretariat after review by Special Commission 4, which provide a history of developments, would also be available, as would the other documentation of the Special Commission. 21/ Consequently it is assumed that during the preliminary organizational phase there would be a very limited need for new documentation; it is also not anticipated that a volume of new documentation would emanate from the executive sessions of the judges. Limited requirements as to interpretation and translation are also anticipated in view of the documentation being available in all six languages and in the light of the decision of the Meeting of States Parties that the Tribunal will function in only the two official languages. 22/

B. Registry

12. The Registry is the administrative organ of the Tribunal. It will provide legal, procedural, administrative, linguistic and any technical support required for the Tribunal. It will also have responsibility for the financial and accounting administration, and for documentation, archiving and library services. The organization of the Registry and the appointment of staff is to be approved by the Tribunal on the recommendation of the Registrar.

13. Initially a small nucleus of staff would service the meetings of the judges and organize the Registry. Pending the establishment of terms, conditions and other arrangements and the adoption of administrative and financial rules, an Acting Registrar would be charged with carrying out those functions.

14. During the start-up period the Registry would have to carry out its internal administrative organization and recruitment, while giving effect to the personnel, budgetary and accounting arrangements that are adopted.

15. One of the areas of internal organization, as emphasized by both the Preparatory Commission and the General Assembly, 23/ would be the establishment of the library of the Tribunal and making it operational. No budgetary provision has been made for this purpose.

IV. ADMINISTRATIVE EXPENSES OF THE TRIBUNAL: CRITERIA APPLIED

A. Members of the Tribunal and their remuneration

16. Consistent with the determination of the Meeting of States Parties, 24/ the overall remuneration of the Members of the Tribunal will consist of three elements: an annual allowance, a special allowance for each day that they are engaged on the business of the Tribunal, and a subsistence allowance for each day that they are required to be present at the seat of the Tribunal; the overall remuneration of the Members of the Tribunal would not exceed the level of remuneration of a Judge of the International Court of Justice.

17. The remuneration of the Judges of the International Court of Justice, as determined by the General Assembly, is reflected in document A/C.5/48/66. They receive a net salary of $145,000 per annum, which is the comparator and the basis for the estimates presented herein.

18. In these estimates, following the criteria established in the deliberations, 25/ taking into account the level of remuneration of the Members of the Tribunal on the basis of equivalencies with remuneration levels of Judges of the International Court of Justice as well as the requirements of the Statute, 26/ the annual allowance would be $50,000. The Members of the Tribunal will receive a special allowance, computed only for periods when they are actively engaged on the business of the Tribunal. The maximum special allowance for any calendar year would also be $50,000. 27/ Their remuneration is dependent upon duration of engagement on the business of the Tribunal and presence at the Seat. There is no such requirement for the Judges of the International Court of Justice.

19. As regards subsistence allowance payable for each day that a judge is present at the seat of the Tribunal, consistent with the earlier estimates 28/ and deliberations, 29/ where presence at the seat of the Tribunal is required for a prolonged period, the maximum subsistence allowance would be for 250 days in any calendar year. For the purposes of the present estimates, the current level of daily subsistence allowance for Hamburg under United Nations practice has been used. 30/ The maximum amount of subsistence allowance for any calendar year would therefore be computed at approximately $45,000.

20. Based on these criteria and in order to maintain equivalence, when the remuneration levels of Judges of the International Court of Justice change, adjustments will be made to the remuneration of Members of the Tribunal.

21. During the initial period, August 1996-December 1997, other than the President, the 20 Members of the Tribunal would not be required to reside at the seat of the Tribunal. 31/ They would thus receive an annual allowance of $50,000, the special allowance for each day that they are engaged on the business of the Tribunal and a subsistence allowance for each day that they attend meetings at the seat of the Tribunal. The President of the Tribunal will reside at the seat of the Tribunal and would be entitled to an annual overall remuneration of $145,000. In addition, he will receive a special annual allowance, 32/ which for the purpose of these estimates is $15,000.

22. The Members of the Tribunal will meet for up to 12 weeks during the initial period, August 1996-December 1997. 33/ Thus, other than the President of the Tribunal, each of the 20 Members of the Tribunal would receive the special allowance for 12 weeks as well as subsistence allowance for 12 weeks during the period.

23. The present estimates provide for 12 weeks of preparatory work by Members of the Tribunal. In carrying out such preparatory work all 20 Members (the President being resident at the seat) would meet at the seat of the Tribunal for half of the 12 weeks, i.e., 6 weeks. Thus on account of preparatory work, other than the President of the Tribunal, each of the 20 Members of the Tribunal would receive the special allowance for 12 weeks and subsistence allowance for 6 weeks.

24. The view was expressed in the deliberations of the third Meeting of States Parties that the Tribunal should be seen as a judicial institution that embodies the highest expertise in the law of the sea and related fields. The remuneration of Members of the Tribunal should be commensurate with the calibre and standing of the eminent jurists who would be elected to the Tribunal. They would lend their distinction, their stature and international reputation to the Tribunal.

25. In this context, note was also taken of the stringent restrictions imposed on Members of the Tribunal by the Convention in annex VI, article 7, which provides:

> "1. No member of the Tribunal may exercise any political or administrative function, or associate actively with or be financially interested in any of the operations of any enterprise concerned with the exploration for or exploitation of the resources of the sea or the seabed or other commercial use of the sea or the seabed.
>
> "2. No member of the Tribunal may act as agent, counsel or advocate in any case.
>
> "..."

Thus all political activity is excluded, any administrative function is prohibited and involvement in any activity or a financial interest connected to ocean uses or resources of the seas is denied.

B. Staff of the Registry and their remuneration

26. The third Meeting of States Parties reviewed the earlier proposals and concluded that in the development of the Registry the initial period between August 1996 and December 1997 could be considered to represent a start-up phase leading towards the first functional phase. The start-up will be with a small nucleus of staff to service the executive sessions of the judges and to serve to organize and carry out the functions of the Registry. The number and level of the staff at start-up as well as the indicative designation of functions, as proposed by the Meeting of States Parties, are presented in annexes I and II to

the present document. Following the election of the Registrar, the post would be encumbered at the level of Assistant Secretary-General, while the D-1 level post would be eliminated. No adjustment in the estimates would be required.

27. It would be judicious to provide some flexibility in the definition of functions and utilization of posts that are required. For the same reason, multivalent staff having expertise in different areas may be preferable to staff with defined and limited specialities.

28. Since the demands of creating a new institution are not predictable, the Meeting of States Parties has also made some limited provision for contingencies which would allow the engagement of temporary staff. This appropriation would be utilized on the authorization of the President of the Tribunal as the needs dictate. However, if any applications or cases are to be taken up for consideration, deliberations or hearings during the initial budget period (1996-1997), the financial implications of court proceedings would have to be estimated separately and appropriate budgetary arrangements would be required. The Meeting of States Parties may wish to consider whether the President of the Tribunal and/or the Registrar can initiate a simple procedure by which to respond should an emergency situation arise during this period. For instance, a simplified procedure for amendment as in the case of the Convention, as laid down in article 313, could be considered. The Registrar could send a notice to all States Parties for an added assessment of a fixed amount limited to covering the emergency. In the absence of response or objection by States that together contribute at least 50 per cent of the budget of the Tribunal within a specified time-limit, consent would be presumed.

29. In these estimates, it is assumed that the staff of the Registry would be remunerated according to the practice of the United Nations common system of organizations. 34/

C. Other items of recurrent expenditure

30. The Meeting of States Parties also reviewed estimates of other items of recurrent expenditure as well as items of non-recurrent expenditure as presented in SPLOS/WP.1.

31. The consideration of items of recurrent expenditure were based on the budgetary experience of units of the United Nations which have a comparable number, category and level of staff, and are consistent with those presented in LOS/PCN/142. The budgetary experience of the International Court of Justice in the initial period has been drawn upon, in particular, adjusted to serve the special needs of the Tribunal. Such objects of expenditure include temporary assistance for meetings, general temporary assistance and official travel of staff. Communications requirements are special, particularly to serve the judges, whether at the seat or in other locations. 35/, 36/

D. Non-recurrent expenditures

32. Estimates of non-recurrent expenditures as reviewed by the third Meeting of States Parties, including those pertaining to office equipment and furniture, data-processing equipment, transportation equipment, etc., were based on the budgetary experience of the United Nations.

E. Estimates

33. The estimates for the administrative expenses of the Tribunal for the period from 1 August 1996 to 1 December 1997 as reviewed and revised by the third Meeting of States Parties are presented in annex III, as follows: (a) Recurrent expenditures; (b) Non-recurrent expenditures; (c) Start-up costs (preparatory work: April-July 1996) (see paras. 44-46 below); (d) Contingency staffing.

V. FUNDING OF THE BUDGET FOR THE INITIAL PERIOD AND ASSESSED CONTRIBUTIONS

34. The Convention states that the expenses of the Tribunal shall be borne by the States Parties and the International Seabed Authority and also by other users of the Tribunal, including States that are not States Parties. 37/

35. There is no clear guidance in the Convention with regard to the manner in which the financing of the Tribunal would be apportioned between States Parties, the Authority and other users of the Tribunal, or the manner in which the part of the expenses to be borne by the States Parties would be apportioned among individual States Parties. It is to be added that the second Meeting of States Parties decided 38/ that the funding of the budget would be considered and decided (by the Meeting of States Parties) together with the budget. The third Meeting of States Parties concluded that a decision would be taken on the source of funding or financing of the budget at the next Meeting, in March 1996. A determination needs to be made as to the manner in which the financing of the Tribunal would be apportioned between States Parties, the Authority and parties to proceedings before the Tribunal. A scheme for apportionment among States Parties themselves or a scale of assessments would also have to be adopted.

36. It was noted that some delay might be anticipated in the approval of a scale of assessments for apportioning expenses among States Parties. Following international practice, the adoption on an interim basis of an existing scale of assessments (such as that of the United Nations) was considered an appropriate option, without prejudice to the adoption later of a scale of assessments specific to the Tribunal. In view of the urgency to secure the start-up costs, the Meeting of States Parties may provisionally adopt a scale based on an established scale, such as the scale of assessments of the United Nations regular budget, adjusted to apply to the States that are presently Parties to the Convention. States Parties can be called upon to make contributions in accordance therewith. States that become Parties to the Convention thereafter would contribute to the initial budget of the Tribunal in accordance with the provisional scale adjusted to include the new States Parties. In this case, as

the entry of new States Parties will result in an excess of contributions by States Parties that have already paid, such excesses would be credited towards the next budgetary period.

37. Review of the alternatives as regards initial financing of the Tribunal. The option of advance payment against contributions to be assessed in the future was considered one possible source of initial funding. Alternative means of funding would include: (a) a reimbursable or non-reimbursable loan; and (b) reimbursable or non-reimbursable contributions by States that have taken an initiative in establishing the institution.

38. Currency. In determining the currency in which the Tribunal would operate, the Meeting of States Parties would have to take into account the stability and the convertibility of the currency, the decree of facility with which States Parties can transfer contributions and the avoidance of major fluctuations in value of the funds available to the Tribunal. In the estimates of the administrative expenses of the Tribunal (see annex III), United States dollars have been used.

VI. WORKING CAPITAL FUND

39. The establishment of a working capital fund is foreseen in order to ensure continuity of operations in the event of a temporary cash shortfall.

40. Given the necessity to maintain a financial reserve for the administration of the Tribunal, an arrangement for a working capital fund should be contemplated, in addition to the general fund to be established. This has been the experience of international organizations and is a basic practice of sound financial management and administration, where cash inflows and outflows are unlikely to match in the short term.

41. The working capital fund for a new international institution may be made up of advances from States Parties. These advances could be reimbursable or non-reimbursable, or eventually set off against assessed contributions. The contributions to the working capital fund of the United Nations were not credited to the assessed contributions of Member States.

42. In the case of the United Nations, the working capital fund for the biennium 1996-1997 is to be established in the amount of US$ 100 million, while the regular budget of the United Nations for the biennium is in the amount of $2.6 billion. In the case of a newly-functioning institution, for example, in connection with the Convention budget adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change, a working capital fund of $658,400 has been established for 1996 while the budget for 1996 is $7.6 million. 39/

43. For the purposes of the initial budgetary period of the Tribunal, a working capital fund of $500,000 is proposed, taking into account the total estimates proposed herein. The Meeting of States Parties may consider applying the provisional scale mentioned above in relation to the budget of the Tribunal for the initial period, for the purpose of the working capital fund. States Parties

would be called upon to contribute to the working capital fund in accordance with the provisional scale. As further countries become Parties to the Convention, excesses of contributions already paid in to the working capital fund by current States Parties may be treated in the same manner as in the case of excesses of contributions to the initial budget (see para. 36 above), except that they will first be credited to the regular budget.

VII. PREPARATORY WORK AND THE TRANSITIONAL PERIOD

44. A completely new and independent body, which is also unique and sui generis, when embarking on the start-up of its functions, is likely to require a certain amount of prior preparation. Such preparation would involve a number of administrative as well as substantive aspects:

(a) As regards facilities, inter alia, the Registry office facilities, those of the judges and meetings facilities, and the other utilities need to be in place and in working order. Requisite furniture and equipment also need to be in place (for the preparatory period itself, it is assumed that the temporary building facilities provided by the host country would include rental office furniture);

(b) The basic system of communications, including mail and courier service, local and long-distance telephone, facsimile services, access to relevant information networks and databases, need to be operational;

(c) Substantive materials, inter alia, drafts of basic rules, regulations and procedures regarding administrative, financial and personnel matters, in order even to recruit the first batch of staff in August 1996, need to be on hand;

(d) Essential elements of the Headquarters Agreement need to be concluded, or provisional application thereof agreed upon, in connection with the start-up of operations, pending the adoption of the Agreement between the host country and the Tribunal;

(e) Hiring arrangements have to be organized.

The third Meeting of States Parties reviewed these needs of a preparatory nature (see SPLOS/WP.1, paras. 26 and 34). On that basis, the post requirements are for an Administrative Officer (P-5) and a substantive Legal Officer and a Computer Systems Officer (two P-3) as well as three assistants in the General Service category, for the period from April to July 1996.

45. The related costs are estimated at $191,500, composed of staff costs ($156,000) and costs of preparatory missions ($35,500). The third Meeting of States Parties concluded that, as regards these costs of preparatory work to be undertaken by the Secretary-General of the United Nations as part of his mandate under the Convention and the decision of the General Assembly, since this was a function assigned to the Secretary-General of the United Nations, the Secretariat of the United Nations should be requested to seek a revision of its budget to incorporate these additional costs.

46. Subsequently, the adoption by the General Assembly in December 1995 of the budget for the United Nations for the biennium 1996-1997 resulted in substantial reductions of the budget estimates, to be achieved through reduction of posts and other costs. As a result, there is no longer any possibility to meet the above sum of $191,500 from within the reduced budget of the Office of Legal Affairs; given the present situation, it was also not feasible to request additional or supplementary allocations for those purposes. These costs are thus being included in the revised budget estimates. They are reflected in annex III to the present document, under section C, start-up costs (preparatory work: April-July 1996).

47. In this context, it was pointed out in the Meeting of States Parties that practicalities dictated arrangements for transition from the preparatory work by the United Nations to the start-up of operations of the Tribunal. There should be a continuity of functions from the preparatory phase to the formative phase, the latter requiring a few months beginning in August 1996. It would be cost-effective and efficient to utilize existing expertise during this formative phase. Given the involvement of the Secretariat of the United Nations in the preparatory phase, as recommended by the Meeting of States Parties, arrangements could be made between the Tribunal and the Secretariat of the United Nations for the required services of the staff of the United Nations to be made available to the Tribunal through the standard mechanisms of mission assignment, secondment or loan. The Meeting of States Parties would have to give consideration to this matter. Another matter also requiring the decision of the Meeting of States Parties is the collection and management of contributions towards the budget of the Tribunal. This would involve substantial budgetary implications if it were to be done by the Registry of the Tribunal, including the creation of a Treasury and an Office of Financial Services. It may prove cost-effective to resort to the United Nations for this purpose. 40/ The Meeting of States Parties may consider the possibility of the execution of this responsibility by the Secretary-General of the United Nations; however, the relevant decisions would have to be taken and the latter would incur costs in fulfilling this responsibility. The standard practice in similar cases is the payment of an overhead (service) charge for the purpose. The Meeting of States Parties may decide to initiate consultations with the Secretary-General of the United Nations regarding the terms and conditions related to the fulfilment of this responsibility by him, including the payment of an overhead charge to the United Nations.

Notes

1/ See para. 10 of resolution I of the Third United Nations Conference on the Law of the Sea. The Meeting of States Parties for election of the Members (judges) of the Tribunal is to be convened in accordance with annex VI, article 4(4), of the Convention.

2/ The documentation of Special Commission 4 is contained in LOS/PCN/152, vols. I-IV.

3/ LOS/PCN/SCN.4/WP.8 and Add.1 and 2 (LOS/PCN/152(Vol.II), at pp. 260, 278 and 280, respectively); LOS/PCN/SCN.4/WP.11 (LOS/PCN/152(Vol.II), at p. 329); LOS/PCN/SCN.4/WP.16/Add.6 and 7 (LOS/PCN/152(Vol.I), at pp. 150 and 188, respectively). See also Chairman's summary of discussions contained in LOS/PCN/SCN.4/L.14 and Add.1; and LOS/PCN/SCN.4/L.18 (LOS/PCN/152(Vol.III), at pp. 281, 294 and 339, respectively).

4/ See LOS/PCN/SCN.4/WP.8/Add.2, para. 13.

5/ LOS/PCN/142.

6/ See SPLOS/4, in particular, sect. III.A-C.

7/ SPLOS/4, paras. 25-29.

8/ For ease of reference, the description of scheduled activities and the assumptions on which the budgetary implications were formulated have been reproduced here from the draft initial budget (SPLOS/WP.1).

9/ Convention, annex VI, article 2(1).

10/ SPLOS/3, para. 16(a).

11/ SPLOS/4, para. 37. The financial implications of convening and servicing the Meetings of States Parties, including the conference-servicing implications, are not included in these budget estimates. The responsibility for the convening and servicing of the Meetings of States Parties was conferred upon the Secretary-General of the United Nations as a result of the adoption of the Convention and resolutions of the General Assembly.

12/ SPLOS/4, para. 25(a)(ii).

13/ Ibid.

14/ This would follow the pattern of meetings and arrangements made initially by the International Tribunal for the former Yugoslavia.

15/ SPLOS/4, para. 25(a)(ii).

16/ Ibid., para. 25(a)(i).

17/ Possibly in February/March 1997.

18/ Possibly in August/September 1997.

19/ Proposals for that stage were presented in SPLOS/WP.1, paras. 12 and 25.

20/ LOS/PCN/152.

21/ For the list of working papers, see LOS/PCN/142, annex IV. The working papers themselves are contained in LOS/PCN/152 (vols. I-IV).

22/ SPLOS/4, para. 25(b)(i).

23/ LOS/PCN/L.115/Rev.1, para. 43 (d); General Assembly resolution 49/28, para. 11.

24/ SPLOS/4, para. 25(a)(iv).

25/ Deliberations of Special Commission 4 and of the Meetings of States Parties.

26/ Convention, annex VI, article 18.

27/ According to the Convention, annex VI, article 18(1), in any year the total sum payable to any Member of the Tribunal as special allowance shall not exceed the amount of the annual allowance. The special allowance would be paid to a Member on a pro rata basis for those weeks that he/she is engaged in the business of the Tribunal.

28/ See note 5 above.

29/ LOS/PCN/142, para. 24, and SPLOS/WP.1, para. 18.

30/ $219 for the first 60 days and approximately $164 thereafter (see ICSC/CIRC/DSA/240, p. 15).

31/ See SPLOS/4, para. 25(a)(iii).

32/ See Convention, annex VI, article 18(2).

33/ See SPLOS/4, para. 25(a)(ii).

34/ See also LOS//PCN/142, para. 25, and SPLOS/WP.1, para. 27. Information relating to the application of the practice is provided in the footnotes to the table in SPLOS/WP.1.

35/ The need for facsimile services, access to networks and legal databases as used in an International Court is noted. SPLOS/4 indicates the need for preparatory work by the Members which also has implications for communications requirements (see SPLOS/WP.1, para. 28). These needs also have a bearing on the acquisition of computer-related equipment, identified under "non-recurrent expenditures".

36/ The estimates for the various objects of recurrent expenditure are detailed below.

Temporary assistance for meetings. Servicing of the meetings of the judges will require engaging additional personnel on a temporary basis, such as interpreters, translators, meeting servicing assistants, secretaries, clerks, mimeograph operators, messengers, etc.

General temporary assistance. The work during the preliminary organizational phase may require, on a temporary basis, the services of personnel having the requisite expertise to carry out identified, time-limited tasks.

Overtime. Overtime requirements may arise to cover secretarial and other types of support services during peak workload periods, or as contingencies arise.

Common staff costs. Common staff costs include various elements related to staff, such as travel on appointment, installation allowance, the institution's contribution to medical insurance plans, the institution's contribution to pension fund, dependency allowance, education grant, home leave travel, etc.

In the present paper, following the standard practice of the United Nations, the estimate for this object of expenditure in relation to the staff is based on the annual publication Standard Salary Costs prepared by the United Nations Department of Administration and Management. They are included in the costs of established posts.

Similar benefits may have to be considered with respect to the judges of the Tribunal. In particular, attention may have to be given to such items as travel on appointment of a judge at the seat of the Tribunal, installation allowance, the Tribunal's contribution to retirement benefits of the judges, if applicable, home leave travel, etc. The present estimates do not include any such costs. However, as reviewed by the Meeting of States Parties, the estimate for the initial travel of the 21 judges to attend the first session of the Tribunal is presented herein. In this connection, attention is drawn to the review currently under way in the Office of Human Resources Management of the United Nations regarding the total package of allowances and benefits of judges of other international courts.

Representation allowance. Representation allowance is required for the Registrar, and the estimate, reviewed by the Meeting of States Parties, is based on Standard Salary Costs, mentioned above, following the standard practice of the United Nations.

Official travel. The estimated requirements are for the travel of non-resident judges to attend sessions of the Tribunal (except the first session) as well as travel and subsistence for travel of the President and Members of the Tribunal and of the Registrar and staff of the Registry on official business of the Tribunal.

External printing and binding. At the initial stage, in the absence of a printing office of the Tribunal, many of the documents and publications of the Tribunal may have to be printed and bound externally.

Maintenance of premises. The estimate, reviewed by the Meeting of States Parties, is based on the assumption that only utility payments and payments for maintenance services would be required. The host country is providing permanent facilities and other temporary facilities pending completion of the permanent facility.

Communications. See note 35 above.

Miscellaneous services. The estimate includes requirements for general insurance costs, bank charges, etc.

Supplies and materials. No provision has been made for acquisition of library holdings. This would require prior evaluation of availability from other sources and an assessment of the level of requirements.

37/ Convention, annex VI, article 19.

38/ SPLOS/4, para. 28.

39/ With respect to the United Nations, see ST/ADM/SER.B/482, and with respect to the Convention budget for the United Nations Framework Convention on Climate Change, see FCCC/CP/1995/7/Add.1, decision 15/CP.1.

40/ For example, the Conference of the Parties to the United Nations Framework Convention on Climate Change decided that a fund would be established by the Secretary-General of the United Nations to which contributions by Parties would be credited; in this connection, the Conference of the Parties also decided that the United Nations would be reimbursed for services provided by it to the Conference and its secretariat, at such rates as might from time to time be agreed upon for that purpose by both organizations. See FCCC/CP/1995/7/Add.1, decision 15/CP.1, annex, paras. 13 and 20.

Annex I

POST REQUIREMENTS OF THE REGISTRY

ASG (Acting D-2)	D-2 (Acting D-1)	P-5	P-4	P-3	P-2/1	Total Professional and above	General Service (Principal levels)	General Service (Other levels)	Total General Service	Grand total
1	1	1	1	1	2	7	3	11	14	21

Annex II

DESIGNATIONS AND STAFFING LEVELS OF THE REGISTRY
DURING THE INITIAL PERIOD

29 November 1995

EXPLANATORY NOTE TO ANNEX V
(SPLOS/WP.1)

Staffing for initial period August 1996-March 1997

Professional and above

1 D-2 Registrar (Acting)
1 D-1 Principal Legal Secretary/Deputy Registrar (Acting)
1 P-5 Head, Administration and General Services (Executive Officer)
1 P-4 Head, Linguistics Services (English/French), Translation and Interpretation
1 P-3 Head, Documents Section/Library/Archives
1 P-2 Associate Secretary (Legal)
1 P-2 Budget/Accounts/Computer Systems Officer

7 Professionals

General Service level

1 Secretary to President
1 Secretary to Registrar (Acting)
1 Secretary to Principal Legal Secretary/Deputy Registrar
1 Administrative Assistant
1 Personnel Clerk
1 Finance Clerk
1 Procurement/Transport Assistant
3 Secretaries to Judges/Word Processor pool (for reports, documentation, etc.)
2 Word Processors (Linguistic services, English-French)
2 Security Officers (Part-time drivers/Messengers)

14 General Service

Note: This list has been reproduced in the same form and with the same content as circulated at the third Meeting of States Parties on 29 November 1995.

Annex III

[Table 1]

ADMINISTRATIVE EXPENSES OF THE TRIBUNAL INITIAL PERIOD
AUGUST 1996-DECEMBER 1997 (PRELIMINARY ESTIMATES)

(In thousands of United States dollars)

30 November 1995

Object of expenditure	
A. Recurrent expenditures	
Established posts	2 050.0*
Temporary assistance for meetings	116.9
General temporary assistance	107.0
Overtime	24.5
Common staff costs	63.0*
Representation allowance	3.1
Official travel	150.0
External printing and binding	37.8
Annual and special allowances of Members	2 498.7*
Maintenance of premises	143.4*
Rental and maintenance of equipment	141.4
Communications	53.9
Hospitality	4.2
Miscellaneous services	2.9
Supplies and materials	46.6
B. Non-recurrent expenditures	
Furniture and equipment	173.0
Total	5 616.4*
C. Start-up (April-July 1996)	
As per paragraph 34	191.5*
Subtotal	5 807.9

D. Contingency (January-December 1997)

Temporary Staff (5) X (12 months) (On authorization by the President arising from need in particular related to submission of a case)	409.1*
GRAND TOTAL	6 217.0

* Indicates changes from SPLOS/WP.1.

Note: This table has been reproduced in the same form and with the same content as circulated at the third Meeting of States Parties on 30 November 1995. References in the text therefore relate to document SPLOS/WP.1.